

# U S U R Y IS INJURY.

Cleared in an examination of  
its best Apologie, alleaged by a countrey  
Minister, out of Doctor *Ames*, in his  
*Cases of Conscience*, as a party and Patron  
of that Apologie.

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*Both answered here,*

By NATH: HOLMES, D<sup>r</sup>. in Divinity.

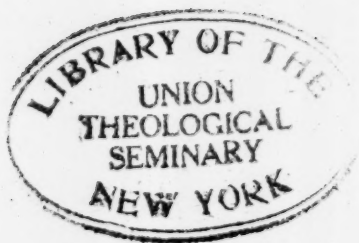
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# U S U R Y I S I N J U R Y.

**B**Rother, our Conference <sup>a</sup> falling upon Usury, and that drawing in your mention of Doctor *Ames*, as if some Patron of it, or of some kinde of it, *viz.* 8 l *per centum*, 8 l in the

<sup>a</sup> Febr. 28. *Am.*  
*Dom.* 1635.

hundred; upon my reading of the Doctor, at my retiring home, I could not but repeat him, and report my opinion of his passages <sup>b</sup>: So that my intent is not now to load this paper with an heap of weighty matter, that I could urge against Usury, out of Scripture, and most sorts of learned Authors, Heathens, Poets, Philosophers, Politicians, Moralists, Jewes, Rabbins, Targum, Talmud, Christians, Schoolmen, Lutherans, Calvinists, &c. but onely to walke over and view the limits of the question, so farre as we have you and Doctor *Ames* in our company; whom if

<sup>b</sup> A week ago  
to the conference.

## Usury is Injury.

sometimes I oppose; yet not I, but Scripture and reason; pardon me till you weigh my reasons. He had not beene a man, if he could not have erred. *Quandoque & dormiat Homerus. Bernardus non videt omne.* Seraphicall Bonaventure erred foulely in his Psalter: Angelicall Aquinas, by a mistake, sacrificed his wit in Purgatory: Alexander of Hales, though stiled Irrefragable, is sometime not so tolerable in his defence of Transubstantiation: Aristotle, *Philosophorum maximus*, the Maxime of the Schooles, when at a losse in humane learning, was forced many times (as learned *Ludovicus Vives* describes) to speake so equivocally and amphibologically, as that he may indifferently be understood *in utramque partem*. Nor are the learnedst Fathers without their *arvi*, as the learned *Tossanus* hath shewed in a brieve Synopsis: NO; nor are our soundest moderne writers alwayes in the way. It is our misery (and therefore *Infandum jam causa jubet renovare dolorem*) that the greatest Linguists have stammered with their tongues. The Septuagint 70 times. The Syriack oft in words. The Chaldee oft losing the sense. *Arias*, and *Buxtorfius*, and other notable Hebruians, inconsiderately, in most and best copies usually to be had, doe read, *Psal. 22. נאנא* for *נאנא*. We know (with all reverence be it spoken, *salvo fide, salvoque Scripturarum Canone*) that the Apostles could erre in action, as *Peter* swerved somewhat touching ceremonies of the Jewes, that he thought he might halt between the Jewish and Christian, with a kinde of dissimulation, as Saint

Paul?

Act. 17. 39, 40.  
 &c.  
 Gal. 2. 11, 12,  
 13, but especially  
 1 Cor. 9. 24.

Paul calls it. Doctor Ames goes farther in his *Bel-larmino enervato*, Tom. I. p. 61. *De sufficientia Scripturæ. Neque enim* (saith he) *omnia quæ Prophætæ aut Apostoli scripserunt, sunt statim Canonica, sed quæ Deus in illum finem sanctificavit.* No wonder therefore if Doctor Ames or you, sometimes misse your way. Therefore in all, let us all, seeing we are but men, *divinam consulamus rationem*, follow one another as we follow Christ. Now to the question.

*Usura est lucrum ex mutuo quæsitum, vi ipsius mutui.* Usury is a gaine sought by lending, by force of that lending. D. Ames.

Quest. *An Usura hujusmodi sit licita?* Of this kinde of Usury, the question is, whether it be lawfull.

Therefore for any learned man, whose parts I otherwise admire, to distinguish of *Usura licita & illicita*, it is a meere *ἀνὰ τὸ ἐν ἀρχῇ* \*. He makes one member of the distinction to determine a lawfull Usury, when the question is of Usury in generall, whether it be lawfull. *Pacetanti viri*, that in and upon the question shall so distinguish, he commits a solœcisme in disputation, too great to be seeme so great a scholler. For evidently that Questionist of the lawfulness of Usury, is bearen with his owne distinction. For if he distinguish that there is *Usura licita*, why makes he the question, *An Usura sit licita*, indefinitely. Therefore learned Ames never so distinguisheth, but first defines, then questioneth, thirdly, stateth the question. Replicatio.

\* A begging of the question.

D. Ames.

*Vsura talis, qualis à danistis ac feneratoribus vulgò exercetur, ab omnibus meritò improbatur.* Such Usury as is commonly used by the lenders on interest, and Usurers, is justly disallowed of all men.

Replicatio.

Therefore you did ill to spend your breath in behalf of Usury, for their sakes who are *danistæ ac feneratores*, guilty *talis Vsura quæ vulgò exercetur*: Except in this, that its evident their Usury is worse than the commonest sort; insomuch that a Counsellor was confident that it was extortion. If this exception were not, seeing our common Usury is 8 l' per Cent. strictly required by the Usurer, whether his *Centum* win or lose, it fully comes within the compasse of Doctor Ames his utter disallowance, and his sentence that it should be disallowed of all. And if the Vsurer alleageth that he puts not the Vse in the Bond; yet he doth in his bowelleffe heart and bowels: that if it be not fully paid, he will suddenly take in his Principall, the Client being so unprovided, that Vsury in the beginning, ends in unmercifull extorting cruelty.

e So far therefore is Doctor Ames from allowing 8 l' per Cent. as it was affirmed in our discourse, that in this position, if he said no more, he disallows our eight in the hundred.

*Summum jus summa injuria.* To hang a malefactor condemned to die, without sufficient allowance of time for preparation, may be the murdering of his soule. And this sudden calling in of money, as in the cause, *scil.* mentall Usury, is naught, so in the effect worse, *vis.* to make men mortgage, or ruine their estate, to satisfie these *supergragos* these Donivoros, these Anthropophagos, these min-eating Vsurers. Therefore this learned Doctor Ames bids us observe his definition,

tion of Usury; it is *Lucrum ex mutuo quæsitum, non conventum; quia non tantum Usura realis, in qua pactum intercedit, sed & mentalis, quæ versatur in intentione, lucrum ut debitum ex mutuo acquirendi, ista descriptione contineatur. i. Usury is a gaine sought by lending, not covenanted, because not onely reall Usury, which is by compact, but also mentall Usury, which lies in the intention of getting gaine as a due by lending, is contained in that description.*

*Generaliter tamen, & absolutè illicitam esse quamlibet Usuram, nulla ratione naturali solidè potest probari.* But that generally all Usury is absolutely unlawfull, it cannot be proved by any naturall reason, solidly. D. Ames.

We must remember how this learned Doctor lived where the people are intolerable Usurers: It had beene in vaine therefore in such a place, *è Cathedrâ*, to have condemned all Usury, and to have hoped to have sitten fast. And if the Doctor meane by naturall reason, reason from nature: 1. We have reason from nature, and delivered by nature, I meane, *ἀνθρώποι καὶ χηλικὸί*, meere animals, that have nothing but nature, meere heathens: whereby my conscience is perswaded, that it is a dictate of nature in some sort, at least an experiment observed by nature, that *Usura est illicita*<sup>d</sup>. Aristotle in his Politicks, lib. 1. cap. 7. saith plainly, *ὅτι καὶ μάλιστα παρὰ φύσιν ἔστι τῶν χρηματισμῶν ἔστι ὁ τόκος*, which *Petrus Ramus* renders so home, as that it is evident he was of Aristotles minde, Replicatio.

<sup>d</sup> Of the same minde is *Master Capel* of Usury, at the end of this tract of temptations, viz. The heathens have condemned this sinne by the light of nature p 443.

minde ; thus, *Quapropter ejusmodi nummorum fæneratio* (of money bringing forth money) *nature maxime, contraria atque inimica judicanda est.* Therefore that kinde of Vfury of money producing money, is to be judged as most contrary, and an enemy to nature. And 4. *lib. Ethic. cap. 3.* Οἱ δὲ κατὰ λόγον ὑπερβαλλοῦσι τῷ παντοῦθεν λαμβάνειν καὶ πᾶν. Ὅτι οἱ τὰς ἀνελευθέρους ἐργασίας ἐργαζόμενοι, καὶ ποιεῖσθαι, καὶ παύσαι τὰ ταῦτα, καὶ τεκνίσαι, καὶ τὰ μισθὰ ἐπὶ πολλὰ. Πάντες γὰρ ἔτοιμοι εἶναι καὶ δέει λαμβάνειν, καὶ ὅτι ποτε καὶ δέει. That I may not seeme to wrest the words in translating, *Lambinus* as an indifferent man shall reader the Greeke for us ; *Alii* (saith he) *rursus in accipiendo sunt nimii, quia undique, & quilibet accipiunt, quales sunt ii qui iliberales operas præstant, sordidasque artes exercent, & lenones, & omnes hujus notæ homines, & fæneratores. & ii quibus exiguum lucrum magnâ mercede constat. Hi omnes à quibus non debent, & quantum non debent, auferunt.* The Philosopher concludes, Κοινὸν δὲ ἐστὶν αὐτοῖς ἡ ἀσχρημέδεια φαίνεται. *Communis autem eorum videtur esse lucri turpitudine.* Others exceed in taking, viz any thing from any, viz. men of illiberall and sordid arts, Bawds, &c. Vfurers, &c. all which receive of whom and how much they ought not, and sordid gaine is common to them all. The Poet *Horace, lib. 1. Serm. Satyr. 2.* condemns Vfury of 5l per cent. his words are, *Dives agris, dives positis in fœnore nummis. Quinās hic capiti mercedes exsecat, i.e.* five upon the principle : so learned Commentators : and a little before, *Omnia conductis coemens obsonia nummis.* i. Saith the Commentator, *Numis*

e Politicians  
therefore in  
their poltick  
disputations  
determine V-  
fury unlawfull.  
L. Case, &c.

*mis fœnori acceptis, pro quibus merces solvitur. Cicero* a Heathen, condemns Vsfury, *Primum impro-*  
*bantur hi qui in odia hominum incurrunt,*  
*ut portitorum & fœneratorum.* Cato a Heathen, con-  
 demnes Vsfury, saying it is *idem ac occidere.* 2. I  
 might thus in the second place prove Vsfury to  
 be condemned by the Dictates of Nature, be-  
 cause condemned of all mankind, all peoples,  
 Nations and Countries, more or lesse. Of Hea-  
 thens we have heard. Of Jewes after. For the  
 lawes of Nations, such as are the civill lawes, re-  
 ceived in all Kingdomes and Common-wealths,  
 where men are not savage, first. they deny a known  
 Vsfurer power to make a Will. Secondly, deny  
 him right to be buried in Church or Church-  
 yard. Thirdly, in Court they allow not Vse for  
 money detained when recovered. Againe, for  
 Canon Lawes received of Christians, Papists and  
 Protestants, in some sort : I meane Latine Ca-  
 nons, they injoynt tithes to Ministers to be paid of  
 all profits, and so Vsfurers to pay the tenth of their  
 Vse ; but Ministers may not receive it, becaufe  
 the gaine is all unlawfull and wicked, and so the  
 tithe. The Canonists and Canon Law doe con-  
 demne all Vsfury and interest whatsoever. So wil-  
 let on *Exod. 22.* Our Statute Lawes expressely disal-  
 low the Vsfury of 8 l per Cent. in point of Religi-  
 on, and Conscience. And in the judgement of  
 Councillors, *his auribus hausi* the statute doth not  
 allow and approve of taking any Vse, but onely  
 provides a man shall not be punished by the  
 Common Law if he take but 8 l per Centum. The  
 parent

parent may omit correction of a younger childe for that vice which the parent doth not allow. Against they say, the maine intent of the Statute is to hinder above 8. not to encourage to take 8 l<sup>per Centum</sup>. Our English Canon, *vis. Can.* 109. is expresse that it is a great sinne, and presentable. And our *Episc. Trienn.* visit last held, expressed in articles that it was presentable & 2. If *D. Ames* meanes by naturall reason, proper, and pertinent, and evident reason; sure that reason that doth convince, is such. And whether our reasons will convince, we will leave to the Reader to judge in the premises and that which is to follow.

g S. Augustine  
condemns V.  
sury. *Quid di-  
cam de Usuri,  
quas et a nupse  
Le et & iudi-  
cis reddi in-  
bent.* August.  
Epist. 54. De-  
cret. cau. 13.  
q. 4 c. 11.

*D. Ames.*

*Non probatur ratione eorum qui dicunt mutuum ex natura sua debere esse gratuitum. Neque enim probari hoc potest, omne mutuum, quibuscumque circumstantiis vestiatur, debere esse gratuitum. i. e.* It is not proved (that is Usury to be unlawfull) by their reason that say Borrow of its owne nature ought to be gratis.

*Replicatio.*

*Omne mere purum putum mutuum*, and of that is the question (whether consideration be to be given for bare lending) is easily and evidently proved it ought to be gratis. *Luk. 6. 34, 35.* If ye lend to them of whom ye hope to receive, what thank have ye, for sinners do so. But lend, hoping for nothing againe.

A Master Capel  
thinks this a  
home place a-  
gainst Usury:  
his words are,  
Neither can

the Law against Usury be a iudiciall Law of *Moses*; for such lawes as such, are knowne onely by some intell gene: from *Moses*; But Heathens of all sorts, and that by the light of nature, have condemned this sin, having never heard of *Moses*, and therefore it could not be a politicall law of *Moses*. Besides we have it forbidden in the New Testament, when iudiciall were out of date. *Luk. 6. 35.*

idiome

idiome of our tongue and common speech, calling that which is free in this kinde, borrowing and lending : that which is not, we call by other names of contract, as letting and hiring. But the text is cleare enough, which forbids mentall expectation of gaine; calling lending for gain to bea doing as sinners do. Vpon these words Beza having fetcht a circuit, concludes point blanck, thus; *Illud tamen certum est, si iuvandus est proximus, etiam nullā recipiendā sortis habitā ratione* (but this I should count rather giving than lending) *multo magis* (saith Beza) *prohiberi feneratorias pactiones.* Gregorie Nisen on these words saith, *Malignam sanorum excogitationem si quis appeller furtum, & homicidium, non peccabit. Nam quid refert suffosso pariete quenquam erepta possidere ac sanorum necessitate possidere illicita.* Basil speaks to the same effect as Aristotle doth in his Politicks, that it is unnaturall and unreasonable that it should be expected that mony should bring forth money. The Papists in their Rhemes Test. shame us Protestants: The words are, It may be taken for a pretext (as well as counsell) wherein Vsury, i.e. the expectation not of the mony lent, but of vantage for lone, is forbidden, as by other places of Scripture it is condemned. And it is a thing against the law of Nature and Nations. And great shame and pittie it is, that it should be so much used and suffered among Christians, or so covered and cloked under the habit of other contracts as it is. In a word, S. Matthew will clear it, that giving is not here spoken of; who *Mat. 5. 42.* repeats our

*Vfury is Injury.*

i May S. Luke  
chap 6. verl. 30  
had spoken of  
giving, and  
verf. 35. comes  
to fpeake of  
lending.

text of lending, and fpeaks of giving befide, as a diftinct way of helping a neighbour. It were ftrange therefore that S. Luke, that is the moft eloquent writer of all the four Evangelifts, fhould confound giving & lending to be all one; efpecially againft the nature of the Greeke *Δανεισμός*, fignifying alwayes to lend, never to give; commonly to lend on Vfury, feldome fignifying to lend otherwife; whence *Δανείστης* an Vfurer, *Δανεισμός*, Vfury. So *קח* in Syriack fignifying alwayes to lend, never to give; and *קח* fignifying an Vfurer.

D. Ames.

*Et fi concedatur hoc (omne mutuum debet eſſe gratuitum) nihil aliud inde ſequeretur, quàm mutuum ſi gratis non fiat, tranſire in alium contractum, vel nominatū, vel innominatū, vel ſimplicem, vel mixtum. i.e.* And if it be granted that all lending ſhould be *gratis*, nothing would follow thence, but that then lending (if it be not *gratis*) would paſſe into another kinde of contract, named or unnamed, ſimple or mixt.

Replicatio.

But this, *Nihil aliud, is magnum aliquod quod inde ſequeretur.* For by the ſame reaſon that the Doctōr diſtinguiſheth that *mutuum ſi gratis non fiat, tranſire in alium contractum, vel nominatū, vel innominatū, vel ſimplicem, vel mixtum*; we may goe on, diſtinguiſhing, *licitum vel illicitum, conduſſitium vel ſeneratorium*: For this will of neceſſity follow, that if a man lend wearable goods, that returne not in the ſame perfection every way as they were when lent, in conſideration whereof the lender takes reward: now lending  
doth

doth *transfire* into hire. If he lends mony, that by number, weight and quality, returnes as good as it went out, yet for the bare loane requires reward, here lending doth *transfire* into *Vfury*. And so the Doctor *inuominat*, doth *simpliciter* grant the question.

*Non probatur (viz. omnem Vfuram esse illicitam) ratione eorum, qui allegant, in rebus illis quæ usu consumuntur dominium non distingui ab usu, atq; adeo pro usu nihil posse accipi ultra valorem ipsius dominii; respondetur, enim lucrum accipi non simpliciter pro usu rei mutuatæ quoad substantiam, sed quoad valorem aut proventum qui manet post substantiam consumptam, & subsistit sæpe in rebus quæ usu non consumuntur & pro officio, vel actu mutuandi unde commodum percipit mutuarius.* All *Vfury* to be unlawfull, is not proved by their argument that alleage that in those things which weare with the *Vse*, the rule or Mastership of them is not distinguishable from the using of them, and therefore nothing above the value of that Mastership can be taken for the *Vse*: For it is answered, that gaine is not taken simply for the *Vse* of the thing borrowed, considered according to the substance, but considered according to the value or In-come which redounds after the substance is wasted, which oft-times consists in things which are not impaired by their use. Againe, it is taken for the office and act of lending, from which the borrower receiveth profit.

D. Ames.

*Replicatio.*

Of things wastable by *Vse*, there is not onely an impairing, but an hazard, and an event oft-times

C 2

*Vsury is Injury.*

times of utter ruine. The hired horse dies; And then he must passe only for the hire (as the Scripture speaks) without farther satisfaction The hired house not onely is worse in the parts, every thing older and more rotted, but the principles and whole edifice falls, the tenant not bound, nor able to re-build. So that in taking hire there is not onely just satisfaction for wrong to the creature; But lawfull merchandize for hazard of the whole. But the Vsurer takes generally for the bare Vse; For, for hazard he will run none. He usually requires intolerable assurance, morgage, &c. His money weares not. And for that same *valor aut proventus qui manet post substantiam, & subsistit saepe in rebus quæ usu non consumuntur*, of which the Doctor speaks, observe I pray you well: That, take away the consideration of the substance of money (which the Vsurer hath *in specie & numero* againe) and the act of lending, (which is satisfied by just repaying) and there is nothing to come into consideration, no *proventus* the Vsurer is hindered of, which otherwise the Vsurer would or could make of his money, in consideration whereof he should demand Vse. For the Vsurer lends, having now no penurious need of Vse to maintain himselfe by: Being usually rich, and alwayes richer than the just borrower; or however, he hath, or will have nothing else to doe with his money: But (as I know upon my owne experience) makes of lands, stock, &c, to provide an Vsury banck. He is a lazie Caterpillar, and will not worke, and therefore turnes Vsurer. He is upheld

upheld by learned men that there is a lawfull Vsurie (though nor he, nor they, can reherse any marks the Scripture hath set down to distinguish them) and therefore he will not runne the hazard to be a partner with any body. He will not lend to be lent to againe, for he needs not borrowing. If any man will borrow and doth not expresse or intimate he will pay for the act of lending, he will keepe his money a companion for canker and rust, rather than lend. If a man would bring home his money a month or two before the time, he is utterly unwilling, unlesse the whole time be paid for. He will have it go on, and take for time, that was never his to sell: yet he will have Vse for all his money, for all the time he prayed, heard Sermons, received the Communion: For the time of eating sleeping, &c. when, nor he nor his client could or ought to be otherwise busied. Let not the Reader now unjustly untwist this answer, but take all together, and let him speak whether the Vsurer himselfe can allege that he receives his Vse for any thing but lending.

2 If it were so as the Doctor speaks, that *post substantiam remanet valor & proventus* (which cannot be found immediately in money) yet seeing God hath allowed recompence for using impairable goods, forbidden recompence for lending things that come in the same, *quod & quantum*, the case is altered.

*Non probatur (usuram esse illicitam) ratione eorum qui obijciunt pecuniam suam naturam esse sterilem:* D. Ames.

*Vsury is Injury.*

*i.e.* Vsury is not proved unlawfull by the allegation of those that say, that money in its owne nature is barren.

*Replicatio.*

The father of the Philosophers, *Aristotle*, as you heard afore, thought this a good reason, not onely to condemne Vsury, but to pronounce it contrary to nature. The fathers of Christians, thinke the same. So *Basil* on *Luk. 6.* as you heard afore. It is strange that we having the eyes of the fathers to see with beside our owne, should not be able to ken as farre into the nature of *vitium*, as a meere heathen. & *Consilio Lateranensi*, Vsury is thus defined ; *Quando ex usu rei quæ non germinat, nullo labore, nullo sumptu, nullo periculo lucrum conquiri studetur.* To which *willet* assents, and Englisheth it in this manner ; Vsury is when by the Use of a thing which increaseth not, gaine is sought without any labour, cost, or hazard. You heard before also that the *Rhemish Testament* saith, It is against the law of nature. Finally, many learned men from this seeking money to be borne as it were of money, have conceived the word Vsury to be derived. *Vsura, q.d. Vsus aris.* Not onely Divines touch this *s. Tench*, but Lawyers. I have read it in the *Lord Cooks Reports* in French. Hence also the Greeke word *πένος*, which first signifies *partus*, then Vsury. So Latine, *Fœnus, q.d. Fœtus*, the Etymologie rising from a wonder.

*D. Ames.*

*Quamvis enim pecunia sua natura & per se sit sterilis, facile tamen commutari potest in merces, quæ fructum*

*fructum edunt, & accedente industria utentis vim suam confert ad fructum pariendum.* For though money in its owne nature is barren, yet it may easily be changed into commodities which fructifie, and by the industry of him that useth it, brings forth fruit.

1 This answer is not sufficient, unlesse it be a true universall proposition, that for whatsoever worldly benefit that is barren in it selfe, yet easily commutable into profit, recompence may be given, s. for the forbearance of it. For if the proposition be but particular or singular; then we want other proofes to cleare why it should be true of money, more than other things. But the proposition is not universally true. For then, because time, unprofitable in it selfe, being not *res*, but *mensura rerum*, is profitable by industry, *Accedente industria utentis*, therefore it may be sold. As indeed usurious and injurious merchants sell their commoditie, not according to the rate, but according to the value of time, condemned by the learned, that condemne Vsury. Then the Elements, Fire and Water, *bona communia*, and therefore *gratis* to be communicated to one another (saith *Cicero*) might be let out or sold for money, because mediately they are very usefull. One neighbour might sell them to another wanting them: or the Magistrate lay a tax upon men for the use of them. 2 Money brings not forth profit, by all industry of all men, but by singular industry of some, and with some hazard.

Most

*Replicatio.*

‡ No man ex-  
tols *Midas* e-  
ver the more,  
that his fingers  
could turne  
bread into  
gold, as long  
as he lost in  
bread what he  
got in gold.  
Nor is the *Vsu-*  
rers money to  
be admired, if  
it could be tur-  
ned into bread;  
seeing what is  
won in bread,  
is lost in com-  
fort of soule.  
For without sin  
it is not conver-  
ted to bread,  
&c. as *Midas*  
bread was not  
turned into  
gold without  
a most foolish  
wish.

Most men are not rich, most men not gaining by money, but many, many times loosing. And therefore one argument of Politicians against Usury is, it is unlawfull, and against nature, because the Usurer by Bonds, Bills, Suits, &c. requires of his Client *quod non est in rerum natura*; profit of money where none was, but losse<sup>k</sup>. 3 The Maxime applied to particulars, pincheth; whether Usury money, *i. e.* money lent on Usury be fruitfull mediately, & *per accidens*. The Text, *Prov 28.8.* may justly make us doubt. If God curse not, crosse not borrower or lender (for it is seldome scene but the borrower is swallowed whole at last) yet if the borrower upon Use, feels unconscionably dear, that he may make his customers to pay for the commodity, pay his Use, and finde him present maintenance, and an estate for time to come, what boast can there be made of the fruitfulness of this money to the Commonwealth? The Country is sacrificed on cruell dealing to save one man. The Common-wealth must perish for the wealth of such Commons. 4 The rule of the husbandman in buying of Cattell and other commodities, or Leases, is, that he will pay for what the thing is *in statu presenti*: but to pay for what it is improveable to, he hath no reason. If money be fruitfull that is borrowed of the Usurer, yet seldome so fruitfull as honestly to pay the User for his great paines, and the Usurer his Use too.

D. Ames.

*Non probatur (illicitam esse usuram) ratione eo-*

*rum*

rum qui dicunt in genere nihil esse in mutuo, pro quo lucrum possit accipi. Est enim proventus fructus qui ex pecunia mutuo data potest expectari: est & onus annexum privationi pecunie qua fit ut omnis occasio eandem cum fructu alias collocandi omittatur. Vacatio enim à pecunia utendi eorum jure estimari posse videtur, quo & vacatio à laboribus estimatur. Exod. 21. 19. i. e. Usury is not proved unlawful by their reason, who say, that in generall there is nothing in lending for which gaine may be taken. For there is both a fruitfull in-come to be expected of lent money; as also there is a burthenfome inconvenience annexed to the want of that lent money, whereby all opportunity of disposing that money otherwise, is taken away: For non-employment of money that may be used, seemes valuable, with the same equity valuable, as non-employment of labour, Exod. 21. 19.

I have sufficiently answered all these already, onely to the last reason or clause [*Vacatio etenim, &c.*] I will speak a word. As now it is the question whether Usury be lawfull (as out of doubt labour in our Callings is) and consequently, whether Gods blessing may be expected on such money-mungring. So (which is the maine of our answer) the husbandman is sure (under Gods ordinary providence) what he can get by his daily labour, day by day: but at abundance of hazards that he doth not lose by his laying out of his money (especially his Usury-borrowed money) as much in one day as he can get in many

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weeks.

*Replicatio.*

weeks. Therefore there is not *par ratio*, that forbearance of money should be recompenced (especially when men desired to lend their money for so long time, six moneths, &c. as confident it would be no hinderance to them) as bodily labour.

D. Ames.

*Ratione evidenti confirmatur, aliquam usuram esse licitam; quia nulla realis differentia potest ostendi, inter quandam Usuram, & alios contractus ab omnibus probatos. e.g. Est aliquis pecunia instructus ad pradium emendum, unde possit percipere annuos fructus centum imperialium. Idem pradium cupit alter habere, sed non est pecunia instructus. Si prior ille emit pradium, & elocet alteri pro centum imperialibus, quin justum & equum fecerit, nemo negabit. Si vero alteri det pecuniam ad idem praestandum, sc. ad idem pradium sibi emendum, & eandem summam ab eo accipiat, eidem periculo sese subjiciens, cui in exemptione sua fuisset obnoxius, eadem prorsus est justitia. Et praeterea nonnihil accedit alteri illi qui selvit usuras ratione dominii in pradium illud quod emptione sua acquisivit: i.e. It is ratified by evident reason, that some Usury is lawfull, because there cannot be shewed any reall difference betweene a certaine kinde of Usury, and other contracts approved of all. For instance, there is a man furnished with money to buy such a Farme of an hundred pounds per annum: Another man, though wanting money, desired to buy the same Farme: If the first of these buy the Farme, no doubt but he may lawfully let it out to another for an hundred pounds by the yeare. Now if this*  
man

man now the owner, should not have bought it, but have lent his money to the other, that wanting money desired to buy it, wherewith he now buyes the Farme, taking of this purchaser the same summe of rent for his money, which he should have had of the Farme, putting himselfe upon the same hazard for his money to which he should have beene liable in the purchase of the Farme, there is the selfe same equity in both.

Vpon this argument and case I suppose was the speech at our conference grounded (for I finde none so like as this) that D. Ames allowed 8 l. in the hundred. But there was an utter mistake in this, as will appeare easily to him that reads the bare words. It will further appeare by our answer.

*Replicat. 9.*

1 Here the Doctor plainly allows a man to take so much in the hundred for his money, which he lends to a purchaser of Free-land, or Farme, as the purchase bought brings in of yearly rent, if it were let. Which is in *England* (and I beleeve it to be so in other Countries; for Usury, too too common in all lands in the practise, prescribes that proportion of purchasing) I say is in *England* but 5 l. in the hundred, which is farre from 8 l. in the hundred. 2 The phrase *eidem periculo sese subjiciens*, carries very much with it. Which the learned Doctor not so versed in purchasing, as he was in perusing of books, might not so well consider. For first if by it he means simply, that a man in lending out his money to buy *Centum imperialia per annum*, doth run him-

selfe into the same hazard in lending his money, as he should have done in purchasing, if he himselfe had laid out the money on the purchase: And that therefore he ought to have as much for the lone of the money, as he should have had of rent, if the purchase had beene his, which rent his client or borrower now takes up of the Farme as rent, and payes it him as Vse: the worthy Doctor is much mistaken. 1 What great hazard there is in purchasing (over there is in lending money, for which men are faine to give double, treble, quadruple bond, with morgages, statutes, pawnes, &c. for security, even what the Vsurer will require) I say hazard in purchasing, in regard of conveyance, lest some morgages or statutes secretly lie on the land, or some formerestate be let, or the new lease be not well made, some *the* for *a*, or *and* for *but*, marring all: Or some Entailes, or Thirds, &c. worst the bargaine, with hundreds more difficulties, I leave to the Lawyer to declare. 2 What great charges for fines, recoveries, conveyances, with many journies to settle a purchase, over there is to lend money to Vse, which costs the Vsury-taker nothing, I leave the purchaser to discourse. 3 How uncertaine the rates of commodities be, how wearable the ground is, how alterable by seasons of excessse of wet or drought the crops are, and consequently how prices of land fall, especially in any trouble of common-wealths, of wars, &c. whiles money is still of the same value, let the husbandman speake. 4 How much labour and cost a man is

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at to make the Farme yeeld his rent, let the occupier or imployer of that Farme speak, whiles the Vfuror is at none for the money he lends: and therefore it is a hard pennyworth for the borrower, if he imploy his Farme, to pay the Vfuror, and be paid his labour and his charges too, so as to have a maintenance. Seeing therefore in no degree doth this lender run hazard and charges as the purchaser, he is in no wise to have the same profit of his money as the purchaser of his lands.

2 If we may so take the Doctor, as that he meanes the lender of his money should altogether *subjicere sese eidem periculo cui in exemptione sua fuisset obnoxius*; then it is as plaine as if written with a Sun-beame, as evident as evident may be, that now this is not Vfury, but partnership, copurchasing, coheirship, or joint-taking. And so all that this position hath set downe, gives no allowance to Vfury.

*Scriptura non tollit omnem omnino Vfurū. i.e.* The D. Ames.  
Scripture doth not altogether take away all Vfury.

1 *Ans.* Most learned men (and some of them most pious) drawing out of the Scripture the selfe same definition of Vfury in effect, which Doctor Ames sets downe, under that their definition condemnes all Vfury, comming within the compasse thereof — *Vrsinus, Vtura est lucrum quod accipitur solius mutationis causa* — *Calv.* *Quicquid lucri præter sortem datur, est usura, unde Hebraicè dicta Tarbit: i.e.* Increase of the multiplying — *August.* *Si plus quam de.* *Augin Psal 36.*

C. 14. q. 3. c. 1.  
Sess. 10.

*disi expetas accipere, fenerator es* — Cajetan. 2 Papist, *Plus ex mutuo velle quam mutuatum sit, iniquum est* — Concil. Carthag. 3. *Nullus Clericorum amplius accipiat quam cuiquam accommodavit* — 2 The Scripture takes away all Usury, and it will be made to appeare even out of those arguments that the worthy Doctor alleageth to the contrary, which are foure. viz.

D. Ames.

*Sed illam quæ exigitur ab egeno, qui ob instantem, necessitatem & sustentationem suam aliquid mutuo petit: ita ut prohibitio fundetur in conditione personæ.* Exod. 22. 25. Levit. 25. 35, 36. Pro. 28. 8. Ezech. 18. 17. e. i. But onely that which is exacted of the needy, who for his present urgent necessity, and the sustentation of himselfe, borroweth somewhat: so that the prohibition is grounded upon the condition of the person.

Replicatio

That the Usurer is the rich man: & others in opposition to him are termed the poor: we have an infallible place of Scripture, Pro. 22. 2. The rich and the poore meet tog. ther. See poore put in opposition to this rich man. He the onely rich man. Who is he? The Usurer. See Prov. 29. 13. comp. the margin.

We thus retort the argument. That sin which is forbidden to all that are incident and subject to commit that sin, is altogether forbidden, that it be not committed. But Usury is forbidden to all that are incident & subject to commit Usury; Ergo. The Minor proposition is evident thus; The takers of Usury are the richer: The borrowers are the poorer. And therefore the Lord forbids all rich men to take Use of their Clients, because they are poore in comparison of the lender; and so have more need to have the Use money given them, than the rich borrower to receive it. 1 For though a man of an 100 l

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*per annum*, borrow of a man that hath but 50 l *per annum*; yet he that hath the more lands and lesse money, and more in debt, perhaps as much as halfe, or all his lands are worth, must needs be the poorer man. If any rich man borrow for wantonnesse, and superfluous and unnecessary uses; that's the speciall sin of borrowing & borrowers: forbidden under another head, *sc.* covetousnesse: And by other kinde of places of Scripture: *Owe nothing to any one but love.* So a man may abuse a godly duty, *viz. pr.* to seeke things to get them, to consume them on lusts, &c. Therefore in these places of Usury, the holy Ghost is altogether intent against the sinne of lenders. And that is Usury: whose aggravation is this in the Texts above named (as in other Texts other aggravations of that sinne are touched) that it takes gaine for lending, of them that are poorer than the lenders. Unlesse this answer be admitted as sound, it would follow by the same argument that the learned Doctor makes; That oppression is not univervally forbidden, because the mighty and potent ones usually are forbidden that sinne, toward the weake innocent neighbour, which alwayes is weaker than the oppressor, else he would not be oppressed. No more would the poore borrower borrow if he were rich, but rather would be ready to lend, freely, or for Usury. Finally, that I may not seeme to goe an uncouth and untroden path, let the Reader looke on my company. I Master Capel in his Tract of Temptations, hath upon this objection of the Do-

ctors

*1am. 4. 3.*

*m* To the same M. Elton answers. If this consequence were good, then because it is said, *Pro. 22. 22.* Rob not the poore, because he is poore. Therefore a man may rob the rich, because he is rich. And *Deut. 23. 19.* No mention is made of the poore, but Usury is forbidden towards a brother, whether poore or rich.

Authors, these words in the forenamed booke, in his dispute of restitution, at the end of the said booke. Read, and read his answer: "The Law (saith the "objection) doth urge most, that Usury be not "done to the poore: Was it not (saith Master "Capel) because the Jewes were then too noble "and generous to go a borrowing, except it were "the poorer sort? What should the Law then "forbid that to be done by rich men, which most "rich men never did? But after we have prohibi- "ons plenty that are indefinite: we are forbidden "we must not rob the poore, because he is poore. "Good sport for thieves, if therefore it may "be thought to follow, that it is a lawfull matter "to rob the rich". Neither can the law against "Usury be thought to be a judicious law of Mo- "ses; for such lawes as such, are knowne onely "by some intelligence from the books of Moses. "But heathens of all sorts, who never once heard "of Moses writings, have with one voice cryed "sin upon Usury, and shame upon Usurers; Poets, "Orators, Historians, Philosophers, all. Thus farre Master Capel, yet alive to maintaine his words against any. We will shew you but one or two more of our company, and leave the Reader to search the multitude of ordinary authours.

2 Next followeth Master Ainsworth, on that place *Exod. 22. 25.* quoted by Doctor Ames. Ainsworths words are, Usury consumeth a man and his substance; and is therefore here, and elsewhere absolutely (marke it well, absolutely) forbidden, viz. *Deut. 23. 19. Levit. 25. 35, 36.*

*Prov.*

"The Scripture forbids taking Use of a poore brother a few; this is no toleration of Usury to be done to any Jew, for (saith Master Capel) there is no one place gives leave to hire his money out to a rich Jewish Jew.

*Prov.* 28.8. *Ezech.* 18.8. Observe, Master *Ainsworth* quotes the same places for absolute forbidding Usury, which Doctor *Ames* notes for forbidding onely to the poore. And he quotes beside *Deut.* 23.19. where Usury is forbidden to be exercised towards any Jew whatsoever. ¶ Master *Ainsworth* goes on, and learnedly produceth the streames of Jewish Doctors and Rabbins to be against all Usury, Usury of any increase, Usury of victuals, cloths, labour: Usury of words and salutations: Usury of teaching one to read, for lending money. All Sureties, Scribes, Witnesses, are forbidden to have to doe in Vsfury. The Vsfurer, say the Rabbins, offends against six prohibitions, viz. *Exod.* 22.25. *Levit.* 25.37. of money. And againe, *Levit.* 23.37. of victuall. Againe, *Levit.* 25.36. of increase. Againe, *Exod.* 22.25. shall not lay upon him Vsfury. *Deut.* 23.19. and *Levit.* 19.14. For the Rabbins say, it is a laying a stumbling block before the blinde, to take Vse. It is unlawfull to take Vsfury before or after, viz. to send a gift before to him of whom one intends to borrow. Thus farre M. *Ainsworth* and his Rabbins, with much more; to make Christians blush at once moving a tongue for Vsfury.

3 *Vatablus* on this. *Exod.* 22.25. bath these words, *Pauperi per expositionem positum. Exposit enim quem vocet populum suum, nempe pauperes:* Thus *Vatablus*. And let me here put in mine oare, thus; That if this were a limitation of Vsfury, to take onely Vsfury of the poore Jew, then it would follow one might take it of a rich Jew,

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which

*Vfury is Injury.*

which is no where allowed : And crosseth another limitation alleaged by *D. Ames*, out of the text of Scripture, that allowes Vfury to be done to none but to the stranger the *Canaanite*. And so these limitations fight one against another : But being made aggravations, they agree.

4 Vpon this, *Exod. 22. 25.* Doctor *willet* (having before named seven kinds of Vfury) hath this assertion, That Vfury is simply unlawfull. He hath this explanation. But all these kinds of Vfury and interest, with the like, were utterly unlawfull, and not to be practised among Christians. He hath finally this probation. The said assertions and explanation shall appeare by these reasons (whereof I will defer some of them till after, for a fitter place.) 1 Vfury (saith he) was detestable among the Heathen ; much more odious ought it to be among Christians. As *Cato* being asked what it was to play the Vsurer, answered *Idem quod occidere*. And further he said, that in former time they used to punish a thiefe but in twofold, an Vsurer in fourefold *willet* alleageth for this his argument *Calvin*. 2 Vfury is against the first institution of money. *Pecunia inventa est*, that thereby things necessary for the maintenance of this life might be provided. But now it is prevented and abused to covetousnesse, that money may increase money. Master *willet* alleageth this his argument out of one *Borrh*. 3 The Scripture absolutely condemneth Vfury, as *Psal. 15. 5.* *Ezech. 18. 17.* Doctor *willet* may well say absolutely, for here are no limitations men.

mentioned, which Doctor Ames sets downe. Well, Doctor *Willet* goes on. The word רבירה (saith he) signifieth increase. By which, saith he, all increase by Vsury is forbidden. Let me give you to understand here, whence this word *Tarbith* comes, viz. 4 His next reason is taken out of *Chrysostome*. *Chrysostome* saith (quoth *Willet*) *Vsurarius super omnes mercatores maledictus*. Cursed above all merchants and tradesmen: So *Willet* translates. And *Chrysostome* (saith *Willet*) further useth this comparison; Like as when one sifteth any graine, all the graine by little and little slippeth through, and so *solum stercus remanet in cribro*; onely the soile and dirt remaineth in the sieve: So of all the substance and ill gotten goods of Vsurers, *Nihil remanet nisi peccatum*. So farre *Willet*. Thus you see the prohibition of Vsury in the above alleaged places by Doctor Ames, *Non fundetur in conditione persona*, not onely in my judgement and my reasons (which notwithstanding are unanswerable) but in the judgement of other learned men, with their invincible reasons.

ces Doctor Ames urged, that Vsury is here forbidden with a limitation, *sc. to the poore*. When *Schindler* sheweth that hence is fetched the etymologie of Vsury, what it is, *sc. all increase for bare lending*. And as our learned English Translators have rendred *Tarbith*, the case goes farre worse against the Vsurer; for they render *Tarbith*, unjust gaine. So that it one asketh what is נטך Vsury. It is saith *Schindler*, *Tarbith*; what is *Tarbith*? It is unjust gaine, say our English new Translators; Therefore I conclude Vsury is unjust gaine.

o *Arabice* רבנה  
multipl. catusest,  
upon which  
word *Tarbith*,  
*Schindler*, one  
of the greatest  
linguists in five  
of the Eastern  
tongues, Hebr.  
Chald. Syr. Ra-  
bin. - Talmudic.  
& Arab. saith  
that *Pro. 28. 8.*  
וכתרבירה  
נטך sum fa-  
ne & usura  
טרכה multi-  
plicans, viz.  
substantiam lu-  
am, est Etymo-  
logia expressa,  
viz. usura.

¶ Yet this is  
one of the pla-

*Scriptura non tollit omnem omnino usuram, sed il-  
lam quæ mordet aut rodit, i.e. quando debitū exigitur  
cum rigore, & proximi damno. i.e. The Scripture  
takes not away all Vsury utterly, but the biting  
and*

D. Ames.

and gnawing ; *i.e.* when the debt is exacted with rigour, and damnifying our neighbour.

*Replicatio.* To the first clause. 1 Thus as our English Translators, *O.* or *N.* take no notice of the distinction : Nor French, *Iun. Lat.* High-dutch ; so here is not a limitation of Vsury, as if *Neshech*, biting Vsury were unlawfull onely. As if there were another Vsury, which our old Vsurers call toothlesse Vsury. For there is no Vsury so old, as that the marke is out of its mouth, but still it may be knowne to be a sinne. Still its teeth may be seene, and so called biting Vsury. This word is oft used as an epithire of aggravation, to deterre men from any Vsury. Because any Vsury at the best is *נשיכה Neshech*, A biting Vsury. For if we looke after the other names of Vsury, they have a worse signification than this. 1 For *נשיכה Neshech*, it is agreed that is condemned. *Chrysostome* calsit on *Matth. 5. Morsum aspidis venenatum.* And that you may know what is *נשיכה Neshech*, your friend (as the Vsurers report, if any will beleve them) *Master Zanch.* will shew. *Neshech, Morsus est, quo scilicet mordetur, id est, damno afficitur ille, qui mutuam accepit pecuniam, dum sc. v. g. pro centum cogitur reddere centum, & prater hos aliquid amplius, siue parum, siue multum.* By which description of *Neshech*, all our Vsurers hundreds for one are cast, and condemned guilty of biting Vsury. For they will have somewhat more than the principle, let the borrower get nothing at all, but lose. The Vsurer must have

have a *plus ultra*, on his five in the hundred. Another his six in the hundred. Another his seven in the hundred. Another his eight in the hundred. Another his five shillings a moneth, or fifteene pence a weeke for two yeares, for five pounds; which in the *pecunia numerata*, by Lunary months, twelve in a yeare, comes to 20 l' *per Centum*: By Solary months, as the Sunne measures seven dayes to a weeke, foure weeks to a month, and so makes thirteene months in a yeare, it comes to thirty in the hundred. And *in modo numerandi*, the manner of paying, that as soone as the stocke is out, to have some comming in within a weeke or a month, and so weekly or monthly, comes to above 30 l' in the hundred. For the 30 l' *per Centum*, you may reckon it thus; five shillings a moneth, for a yeare, for 5 l', comes to make the summe of 3 l', supposing but the Almanack Lunary moneths, 12 in the yeare. For 12 crowns are 3 l'. of which 3 l', 10 s is the Vse. For the sum was 5 l' for two yeares. Now halfe is come in at 12 Almanacke months. Now multiply; ten a yeare for 50 s, is twenty shillings for 5 l'. Then foure twenties, *sc.* 4 l' for foure 5 l', *i.e.* for 20 l': that is five 4 l' (which is 20 l') for five 20 l', which is an 100 l'. So you see then that ten shillings a yeare for 50 s, is 20 l' for an hundred. Lets goe on then; if ten shillings a yeare, for 50 s, comes to 20 l' *per Centum*, then adde halfe ten shillings, *sc.* five, for the odde Solary moneth, the thirteenth moneth in the yeare, and that will come to halfe as much more, *i.e.* 30 l' *pro Centum*. These things I have reckoned

ned, if I forget not my selfe, before exact Shop-keepers, Civill Lawyers, Common Lawyers, and Divines, and they have assented to the reckoning to be right. And the Lawyer hath pronounced directly this to be indire& Vsfury (though a man pretend to sell his money) and so lies liable to the penalty of the Statute. But then how much more than 30 in the 100 it comes to; to take in some of the Principall and Vse together, the first week, or first month, and so weekly or monthly, for two years, till all in, I must confesse I cannot tell; I never yet tried to reckon: and it seemes somewhat intricate: we had need have the helpe of the Almanack-maker. Others, may be, faile lower, and take but 20 s in the hundred; yet if the borrower hath not gained thus much, this is *Neshech* with Master *Zanchie*. Nay, if a man doth not leave the borrower some gaine, if he gat but one shilling, so that *Creditor sit tamen particeps benignitatis*, of the gaine, that is *Neshech*. We adde the judgment and reasons of other learned men, that are contrary to *D. Ames*; that *Neshech* doth not intend only to forbid one kinde of Vsfury, but is a common name to disgrace, and forbids all Vsfury, as all Usury being *Neshech*, biting. It is *Willetts* argument, & he hath it out of learned *Cajetan*, *Vsura est ex suo genere nociva*, because it is called *Neshech*. And the law of nature, saith *Willet*, teacheth we should not do as we would not be done by. It is *Ainsworths* position, *Evod. 22. 25.* That Vsfury is called biting, because indefinitely all Vsfury is biting, and therefore here saith he, absolutely

folutely forbidden. He hath this pofition as out of many Scriptures there quoted, of which afore: So out of the *Heb. Rab. viz. Maimonid.* Vſury indefinitely called *Nefhech* or *Noſhech*, it nippeth and eateth his neighbours fleſh. -- *Iun.* out of *Bernard*, *Vſura* is called *Nefhech*, *lucrum rodens, ſeu exedens*; for it is, ſaith *Bernard*, *Venenum patrimonii*. --- *Willet* out of *R. Sol.* and *Lyran.* Vſury is *Nefhech*, *q. mordet ut ſerpens*; *parum percipitur in principio, tandem devorat totam hominis ſubſtantiam*. Out of *Galaff.* *q. tanquam hirudo, omnem ſuccum & ſanguinem exſugit*, as an horſleech, ſaith *Willet*. --- Out of *Simler*, *q. ut morſus ſerpentis non ſinit dormire*. --- Out of *Calvin*, *Nefhech quia ſenerator tanquam canis famelicus, alios mordendo ſeipſum paſcit*. --- Finally, *q. lethaliter mordet eos, qui ea gravantur. ex Anonymo.* Elton is of the ſame minde. All Vſury is *Nefhech*. You ſee then how bad Vſury is at beſt. How *Nefhech* is enough to condemne all Vſury almoſt. The next words are worſe. For *Tharebith*, in the words and judgement of Maſter *Zanchie*, is of *Rabbah*. *Quod eſt crefcere, i. e. augere. Vocem hanc habemus, Levit. 25. Significatur autem hac voce, uſura ſeſe multiplicans, (for indeed it is a Nowne from the Conjugation Hiſhpael.) Cum ſcilicet Vſura, (nempe iniqua) non perſoluta, novam parit Vſuram. Quam certè damnat Lex Dei, Levit. 25. 36. Vbi utramque vocem conjungit Nefhech & Tharebith, & utramque damnat, cavetque ne fiat. Quare neque hæc vox in ſacris literis in bonam partem accipi poteſt. Atque illam primam Vſuram, qua Nefhech dicitur, vocant Iuriſpe-*

p Pray marke now, that this place of *Levit.* 25. 35, 36. is one of those places which Doctor *Ames* produceth that Vsfury is forbidden, with this limitation, viz. to the poore. When as you heare that the two words there to expresse Vsfury, signifying such a Vsfury as for the nature is unlawfull to be done to any man whatsoever, poore or rich. And it is not my judgement only, but *Zanchies*, that seemes to be a faviourer to Vsfurers. And *Neshech* there used, is condemned by Doctor

*Ames* himfelfe, and therefore he somewhat smiteth himfelfe to say Vsfury is forbidden, *Levit.* 25. 36. to poore, because poore. When it is rather forbidden, because *Neshech*: and soone makes any Client so poore now as to borrow, anon to be very poore.

*riti nostri Vsuram simplicem; alteram, usuram usurarum; cum sc. Vsuram non exactam, parit novam Vsuram; & Greci vocant ἀνατομίαν, quasi dicat repetitam Vsuram.* So then this *Tharebith* is not the toothlesse or tolerable Vsfury, but worse than *Neshech*, and therefore condemned by Scripture with *Neshech*, in the same text. Yea, condemned by *Zanchie*, yea, as he explains it, by humane laws as most odious. p Me thinks, *Zanchie* or *Ames*, of any man that would intimate a tolerable Vsfury, should have done so much as told us by what name that tolerable lawfull Vsfury is called in old Testament, where they pretend it is allowed. But they leave us to our selves. Well therefore I goe on. The third word for Vsfury is *דוכא* which signifies *Fraudes, Doli, Vsuræ*: It signifies cheating and cozening as well as Vsfury, intimating that Vsfury is of an odious abominable nature, to be shunned as a dangerous thing to intrap ones estate and livelihood. You shall not take my word for this, or learned *Shindlers*; but I will produce our English Bibles, and the best and last translation. *Prov.* 29. 13. it is said, *The poore and the deceitfull man meet together.* The Hebrew word for deceitfull man is *Ish Terakim*, the word before named. The man of cunning deceits; which because it signifies the Vsfurer, therefore in the margin it is rendred Vsfurer. Beside these three words for Vsfury, I can finde not one Hebrew

word more, upon divers diligent searchings. Nor did others handling Vsfury, ever name so many as I have, that I could finde, or heare of. As for *N. T.* it is expressely named there, but implicitey forbidden under the precept of free lending. And under all these names Vsfury is made odious ; therefore where is the name of that Vsfury that Doctor *Ames*, or any, would intimate to be lawfull ? 2 Reply to the clause is this : All Vsfury in Scripture is either *Neshech*, or *Tharbit h*, or *Terakim* : But all these are vilified and disgraced in Scripture as odious, therefore all Vsfury in Scripture is forbidden, or disgraced as unlawfull. The two first expressely forbidden. The last word is, you see, not used in any precept or position about Vsfury, but onely as a name of the wicked rich man, and you see what an odious signification it hath ; insomuch that the Vsurers conscience shall judge whether *Terakim* is not spoken against in Scripture, when called cozening or deceitfull dealing Vsfury. For the Vsurer will not have his Vsfury called cozening, or fraud, or deceit. Nay, if they would but see how they are hated and cursed for taking Vse, they would disallow their Vsfury. So *Cic. Attic. 85. 6. Primum improbantur hi questus, qui in odia hominum incurrant, ut portitorum* (toll or tax-takers) & *fenestrationum*. But alas Vsfury in this is worse than the worst sins. Those deny the fact, but excuse not the sinne : These confesse the fact, but deny the sinne. 2 Our reply to the last clause, that Vsfury is taken away, *quando debitum exigitur cum*

*Vsury is Injury.*

*rigore, &c.* is briefly this. The breach of the Law, *consistit in indivisibili.* *Aequis*, be it never so small, is sinne. 1 *Ioh.* 3.8,9. *David* smote him for cutting of *Sauls* garment. It is laid to the charge of the old world, *Gen.* 6.5. that they brake the Law in the thoughts of their imaginations, and therefore God would bring upon them the flood. And, *Cursed is he that continueth not in all the Law, &c.* *Gal.* 3.10. But the Law takes hold of thoughts, *Thou shalt not covet, &c.* in the tenth Commandement. See how *Paul* applies it, *Rom.* 7. Therefore if all gaine for bare lending, for a bare principle, fully repayed, or to be repayed, be taken, be it more or lesse, *cum rigore*, or *absque rigore*, it is all the same. For how is it conceiveable that such gaine should be taken, *sine damno proximi*, when the most Divines that presse restitution, doe it on this ground, Vsury ought to be restored, because it hath bin a damage to the so borrower. But saith Master *Capel*, The other part of the Schooles, with whom, saith he, I joyne, hold restitution, because by Vsury there is no true title *jure divino*, no not in justice, to that which comes in that way. He quotes in the margent, *Greg. de Valent. Tom.* 3. *dis.* 5. *q.* 21. *pu.* 3.

*D. Ames.*

*Scriptura tollit illam usuram qua charitati repugnat, Luc.* 6.35. *i.e.* The scripture takes away the Vsury that is repugnant and opposit to charity.

*Replicatio.*

Therefore the Scripture takes away all Vsury. 1 Because all is opposit to charity. No man but would borrow freely if he could, therefore you ought

ought so to lend. 2 Because opposite to the Law of God, as we heare, *Ezech. 18. Psal. 15. Nehem. 5.* restore the hundreth part, without mention of brother that is poore, or biting, &c. But the summe of the Law is charity. As Christ approves the answer of the Lawyer. *Ergo.* 3 Because opposite to that place, *Luk. 6. 35.* alleaged by Doct. Ames, *Lend freely, looking for nothing.* Finally take notice, that whereas before the learned Doctor averred, that borrowing ought to be free could not be proved; yet here he alleageth this of *Luk. 6. 35.* *Lend freely,* which not to observe, is against the law of charity, saith the Doctor. Usury, saith Master Smith, is against charity.

*Forsan & illam omnem Usuram tollit, quæ ex lege politica Iudæis inter se exercere non licebat. Deut. 33. 19, 20.* Perhaps also it takes away all that Usury which was not lawfull for the Jews, by the politicall Law, to exercise one towards another. Unto a stranger thou maist lend upon Usury, but unto thy brother thou shalt not lend upon Usury; that the Lord thy God may blesse thee in all thou settest thy hand unto, &c. *Vnde Scriptura indicare videtur aliquam Usuram esse per se licitam: Dum æquali, non egeno extraneo accipere Usuras Iudæis permittebat.*

Great glory is made of this Text, to prove Usury not simply unlawfull. But as permission by law to execute death upon malefactors, doth not prove murther not simply unlawfull: So toleration of Usury here towards them whose lives

*Replicat o.  
in gener.*

the Jewes might take away, doth not prove but that Vsury is neverthelesse simply unlawfull. For all that ever gave a reason why Vsury towards the Canaanites (for the seven kingdomes of the Canaanites are the onely strangers here meant, by the confession of the learned, and no other strangers) was permitted, was because their lives were given to the Jewes, and consequently their estates too. Therefore to object a private Jew might not take away a Canaanites life, is onely to argue, that a private Jew might not take Vsury of a Canaanite. For the Canaanites goods is not his, except the life. Therefore this objection (that is grounded on that which doth not appeare in the Text, that a private Jew might not kill a Canaanite) doth inferre theft to be lawfull, to prove Vsury not unlawfull. For if a private Jew hath no power over the Canaanites life, then not over his estate; for what other rule is there? and so taking that he hath nothing to doe with, he robs. If he, a private Jew, takes use of him, surely if he doth it by vertue of the publick politicall Law, dirived to him particularly; sure then the reason or ground of that law being publick that Jewes are to have power over the Canaanites lives, comes downe to him in particular: Or else his particular and private Vsury is without reason. 2 God tolerated the Jewes robbing the Egyptians: yet it doth not follow thence, that theft is not simply unlawfull.

¶ Therefore Master Perkins makes this a rule of understanding the Law. That the Law is still peremptory, and still the same in nature. The Law-makers dispensation being but for a speciall & particular time or occasion. And his act transcendent.

*Replicatio  
in partic. 1.*

Suppose this were a toleration of Vsury for the Jew upon the Canaanite, without consideration of

of power over the Canaanites lives ; yet what were this to uphold any kinde of Vsury to be used of and towards Christians ; when as two learned men, *Calvin* and *Willet*, doe not doubt from this place (which seemes a toleration) to conclude Vsury to be utterly unlawfull among Christians. Their argument is this. The Hebrewes were forbidden to take any Vsury at all of their brethren ; of the Gentiles they might ; but now *diruta est maceries*, the wall of partition is taken away, there is neither Jew nor Gentile, but all are one in Christ : therefore Christians may not take use of Christians. Before this argument Master *Willet* puts this position [Vsury is simply unlawfull :] He makes the said argument his first argument, and at the end of it he subscribes *Calvin*. The second particular Reply, From the manner of the Holy Ghosts setting downe this rule touching Vsury, and mens urging, *sc.* as a toleration. Vpon which, Master *Capels* position is this : " I know, saith he, the Law permitted Vsury to the Jewes to the stranger. " What of that ? It followes the rather, that it is " of it selfe a sin ; because permission is of sins, " not of duties. So Master *Capel*. Meditate well on this answer. Perhaps at the first sight you will wonder, and object, Doth God then tolerate sin ? Before he tolerated it is simply sinne ; and so it is when his toleration ceaseth. But God being above the Commandement, his Will being the everlasting platforme of the Commandement, he may dispense ; and when and how farre he

makes it no Law, there is no transgression. The morall Law was written, say the generall consent of Divines, in *Adams* heart, and so was from the beginning, and yet still is in force. Yet at first it was no adultery for the brother to marry the sister: I meane no breach of the Commandement of Adultery: God shewing by necessity, his Will for that generation, to dispence. So, *Thou shalt not steale*, is a Negative Commandement, and so binds *semper*, and *ad semper*. But when God bids the Israelites borrow of, and not pay the Egyptians, this is no theft: God having a reason, that the breach of this Commandement then was greater justice than to keepe it. The same may be said for Vsfury. If Kings and Emperours must be obeyed in their wholesome lawes, under penalty of sin: But it is no sin to doe contrary to any law they make, when first they have for that time repealed them. Then God hath much more that power. The third particular reply is, That in the judgement of most learned men, the reason of this dispensation, *viz.* the leave the Jewes had to slay the Canaanites, doth the more shew the vilenesse and cruelty of Vsfury. First, let us heare Master *Capel*, that we may knit this to that which was but quoted of him, that he may the better cleare himselfe. The thing is (saith Master *Capel*) There was a Law to kill the Canaanite, and yet I hope that killing was not murther: No more was that Vsfury a sinne to them. Next, let us heare Master *willet*, backing himselfe with the judgements and reasons of the Fathers. if it be objected

jected (saith Master Willet) that God permitted the Hebrewes to take Vsfury of the Gentiles, therefore it was not simply unlawfull. To this (saith he) it may be answered, that they were those seven Nations of the Canaanites, of whom they might take Vsfury : which Nations they were commanded to destroy, and so by this meanes they might weaken their estate, and impoverish them. Whereupon (saith Master Willet) *Ambrose* inferreth, *Ab hoc Vsfuram exige, quem non sit crimen occidere*. And so (saith he) *Augustine* also concludeth, *Non minus crudelis qui pauperem trucidat furore, quam qui eripit diviti. Adde* to these *Simler*; *Vbi jus belli, ibi jus Vsfuræ.*

r And, cui jure inferiatur arma, huic legima indicuntur Vsfura.

*Si enim omnis Vsfura esset intrinsecè ac sua natura mala, tum non potuere Iudei à gentibus accipere Vsfuras sine scandalo gravi, quo gentes averterentur à religione ac lege Iudeorum, quæ admitteret rem illicitam tanquam licitam. i.e.* For if all Vsfury intrinsecally, and in its owne nature were evill, then the Jewes could not have taken Vsfury of the Gentiles, without great scandall, to the averting of the Gentiles from the religion and law of the Jewes tolerating a thing unlawfull.

D. Ames.

By the same reason we may say, If theft had beene intrinsecally, and in its owne nature unlawfull, then the Jewes could not have borrowed of the Egyptians jewels, not repaying them, without great scandall, whereby the Egyptians might be turned away from the religion and Law of the Jewes.

Replicatio.

For the Gospel, and the liberty thereof was a scandall to the Jewes, & foolishnesse to the Gentiles, 1 Cor. 1.

Jewes, which did admit of a thing, unlawfull in the opinion of the Egyptians, to be as lawfull. But we know that theft was simply, and in its owne nature unlawfull, notwithstanding this dispensation. So was Usury, notwithstanding that permission. For this borrowing of jewels, as that lending upon Usury, was an act of distributive justice, to justly punish malefactors, as enemies of the common state of the Church, not belonging to commutative justice of trading and trafficking, borrowing, lending, &c. 2 We are not to examine Gods Lawes by the uncertaine rule of scandall taken by gracelesse men<sup>s</sup>, but rather by the holinesse and uprightnesse of Gods will, which we know to be so perfect, that the lawes and dispensations it dictates, cannot be condemned of scandall-giving. 3 We know murther was simply unlawfull. And no doubt but the Canaanites would take great offence at Jew & Jewish religion, if the Jews invading their Kingdomes, would kill any of the Canaanites; yet neither of these reasons made it unlawfull or inconvenient (God giving them this liberty) to kill & destroy all Jericho and Ay, &c. So, nor the law against theft, nor offence that might be taken by the Gentile, made it unlawfull or inconvenient for the Jew to pick the Canaanites pocket by Usury, seeing they might doe more (by divine dispensation) viz. cut their throats, as an act of just war. The Kings law is still current, that murther and robbing is felony and death; though he sends his officer to take away the life and goods of one that is not to be owned for

for a free Denison, but rather standing under a for-  
raine power, denying the Kings Supremacy, as  
Jesuites, &c. So the Canaanites denied the Is-  
raelites to have any right to Canaan, or authori-  
ty over them; and therefore the Jewes took their  
lives, or goods, or both, as forfeited, without pre-  
judice to the simple unlawfulness of murder,  
theft, Usury, &c. 4 This toleration, in stead of  
taking offence, might probably bring in the Ca-  
naanites to turne to the Jewish Religion. For  
when they saw no Jewes life or goods in jeopardy  
by war and Usury, but the Cananites, they might  
reason within themselves who would be a Ca-  
naanite, and not a Jew? Seeing that which is  
simply *illicitum*, unlawfull among the Jewes and  
their confederates, is counted as a lawfull act and  
execution of common justice upon a Canaanite,  
to take away his goods by Usury, nay, *Nesbech*,  
biting Usury, and his life by warre. For so in  
*Deut. 23. 19.* Of thy brother thou shalt not take  
*נֶסֶבֶךְ Nesbech*, but *vers. 20. extraneo, תַּשְׁבִּיחַ Tasbich*,  
*fænerabis*; which *Tasbich* is of the root *נָסַב* which  
signifies to take *Nesbech*, biting Usury: which  
Doctor Ames condemned as simply unlawfull.

*Huc etiam referri potest, quod maximè probabile  
sit ex parabola illa de Talentis. Matth. 25. 27. Non  
tantum in vulgari usu fuisse apud Iudeos mensario-  
rum aliquod fœnus, sed etiam à Domino non fuisse im-  
probatum, quia sub illa similitudine exigit officium  
spirituale sine ulla insinuatione alicujus improbatio-  
nis, qualem in aliis parabolis, quæ ab usu improbato*

D. Ames.

*Usury is Injury.*

*officium illustrant, solebat adhibere. Luc. 16. 8.*  
*i.e.* Thither may be referred that likely conjecture  
 out of the Parable, *Matth. 25. 27. viz.* that not  
 only there was a certaine Usury among the Jewes,  
 commonly used by the money-changers, but also  
 that it was not disallowed of the Lord; because  
 under that similitude he requireth a spirituall du-  
 ty, without any intimation of disallowing it;  
 which he was wont to expresse in other parables,  
 illustrating a duty from or by some disallowable  
 act. *Luk. 16. 8.*

*Replicatio.*

As for the Parable of the Talents, I never heard  
 any learned Divine, or any other Christian urge  
 it, but those that are Usurers, in the behalfe of  
 Usury. For if the Text be well weighed, the  
 comparison smites Usury: For this comparison  
 was not used, but upon a speciall occasion of re-  
 tortion. The man of one Talent alleageth for  
 his idlenesse, the unreasonablenesse of th<sup>e</sup> Ma-  
 ster, that he reaped where he sowed not. Why  
 then saith the Master, if thou hadst thought so  
 indeed, or if I had beene so indeed, thou shouldst  
 and wouldst have runne upon unreasonable wages  
 of bringing in advantage to me, even to have put  
 my money to Use, to give me content: but be-  
 cause thou didst not doe so, it is evident that  
 thou didst not take me for a cruell Master, but ra-  
 ther presumedst on my clemencie, and so didst  
 not by honest gaine peruse my Talent, as all the  
 rest have done, and brought in advantage, with-  
 out Usury. For had our Saviour in the least mea-  
 sure

sure connived at Usury, he would as well have aggravated the sluggishness of this owner of one Talent, from the manner how they got their increase (if they had meddled with Usury) as from the matter they had gained. To this effect *Pareus* Comments on the place ; *Abcondisti talentum, quia sciebas me metere quod non seminavi. Imo, si sciebas me talem esse ; si vera esset tua criminatio, abscondere non debuisti, sed elocare talentum, ut reciperem cum lucro. Sic falsam criminationem ipsius facto convincit, & vanum ignavia pretextum refellit.* So that to me it seemes evidently, that the Lord intimates that to be such a one as to reape where another sowes, is just to be as a Usurer; and that there is no satisfying such a Master, but by paying Use-money. Were this a good Commentary upon the comparison, *Matth. 24. 43, 44. 1 Thess. 5. 2. 2 Pet. 3. 10. De Domino, dieque illo Domini, ut fure noctu veniente, ita venturo, quod maxime probabile sit, non tantum in vulgari usu fuisse apud Iudeos furtum, sed etiam à Domino non fuisse improbatum ; quia sub illa similitudine exigit officium spirituale (nempe vigilias spirituales) sine ulla insinuatione alicujus improbationis, qualem in aliis parabolis quæ ab usu improbato officii illustrabant, solebat adhibere. Luc. 16. 8?* No, I should be cryed out against for such a Glosse. Then may I dislike the like Glosse upon the Parable of the Talents, like word for word. Others answer this place to the same effect, *viz.* This place (say they) will no more warrant lending on Usury, than Christ his comparing his coming to judgement to the

*Usury is Injury.*

sudden comming of a thiefe, *Mat. 24.43, 44.* will warrant their suddenly breaking into mens houses.

*D. Ames.*

*Aequitas lucri demonstrari potest, ex equitate manifestâ, de qua nemo potest dubitare, si quis nullum certum redditum vel summam sibi præcise pendi stipuletur, sed ita pecuniam suam apud probum virum collocet ut in illius fide acquiescat. De hujusmodi pecunie collocatione nulla potest esse questio, si periculum capitalis maneat commune. Nihil enim est aliud quam contractus societatis in lucro & damno. i.e. The equity of gaining, can be demonstrated by a manifest equity doubted of by none; viz. If any one shall not bargain for any certaine returne, or summe of gaine to be precisely paid unto him, but so putteth out his money to an honest man, that he rests in his faithfulnessse. Of this way of putting out of money there can be no question, if the hazard of the Principle be common to them both; for its nothing but partnership in gain & losse.*

*Replicatio.*

Doth the Usurer thus put out his money? No in no case: His conscience and his security will witnessse the same. What is all this then to prove the lawfulnessse of putting to Use? No more than he that to prove a thing to be chalke, useth this argument, because it is cheefe.

*D. Ames.*

*Nihil contra aequitatem committitur si lucrum incertum, quod probabiliter sequetur, vendatur pro certo moderato. i.e. There is nothing committed contrary to equity, if a gaine uncertaine, but probably*

bably following, be sold for a moderate gaine certaine.

But what prooffe is there of this? Not a word. We therefore that are *nullum additi jurare in verba magistri*, may just so answer the argument as it is proposed, saying, it is *contra equitatem*. And what is now won or lost? But we will give a reason of what we say. If false ballances be abominable, to sell lesse for money than one ought; If going beyond ones brother, and circumventing him, to sell naughty commoditie for good, is unlawfull; then sure it is unlawfull to sell nothing for money; which a man doth often, when a man sels *lucrum incertum*. So the Doctor confesseth. He saith, *quod probabiliter sequetur*. We say that also, *probabiliter non sequetur*. For so we see by experience in trading. So we finde by Scripture upon all men. All things come alike to all. Of riches in particular: They have wings. And of dealing so as to break the Commandements, it brings a curse on all we put our hands to. *Deut. 28*. And of this sort is Usury, *sc.* unjust gaine. *Prov. 28.8*. And it brings a curse on all we put our hands to, *Deut. 23. 19, 20*, Whiles therefore the Usurer will sell, and the borrower will buy Gods providence over his head, you see more likely in Usury Gods curse, and losses are bought and sold over mens heads.

Replicatio.

Eccles 9.2.

*Neque iniquitatis quicquid est in eo, si contractus fiat legibus equis, ut totum periculum capitalis pertineat ad eum qui exercet pecuniam. Nihil enim aliud*

D. Ames.

*est quam contractus assecurationis quo alienæ rei periculum pretio æstimabile suscipitur pro pretio.* i.e. Neither is there any injustice in it, if the contract be made with equall conditions, that the whole hazard of the principle lie upon him which useth the money, being nothing else but a contract of insurance, whereby the hazard of anothers goods valuable at a price, is undertaken for a price.

D. Ames.

Did not the Doctor but now say, *De pecunie collocatione nulla potest esse questio, si periculum capitalis maneat commune?* Therefore it follows, *si non sit commune, est questio* — 2 How there may be *contractus legibus æquis factus de re injustâ faciendâ*, is beyond any man of sound reason to conceive. 3 If it be *rei alienæ periculum*, why should it not so abide? why should any man lend for care? why should he lay another mans sacks upon his shoulders? seeing every day ἀρκετοὶ τῇ ἡμέρᾳ ἢ κακία αὐτῶν: especially seeing there is danger of sinne to be laid on the borrowers shoulders, as well as care, to helpe the Usurer to sinne and live unprofitably, which could not be without the borrower. If it be *rei alienæ periculum*, how shall it be on both sides, that neither hath wrong, *sc. pretio æstimabile?* It is all in Gods hands how great the *periculum* may be. One wedge may fire all the stufte of Achan. By occasion of this Usury-money, the borrower may fall into dealing that may inwrap all his estate, and all may be lost.

Non

*Non necessario requiritur, ut istiusmodi contractus distincte aut expresse fiant, sed satis est si fiant implicitè ex intentione sincerâ, & secundū estimationem proborum. i.e.* It is not necessary that such like contracts be made distinctly and expressly, it being sufficient if they be made implicitly, out of a sincere intention ratably by honest men. D. Ames.

Its no need indeed that the contract be expresse for the committing of the sinne of Usury. For the Doctor said before, *Usura est lucrum ex mutuo quesitum, non conventum; quia est Usura tam mentalis, quam realis* — 2 To seeke intentionem sinceram in an Usurer, is to looke a rose among nettles, figs on thornes, and grapes of thistles. 3 For the *estimatio proborum*, bebold of it, they will be judges of no such matters, unlesse they may judge the losse upon the idle unprofitable Usurer, and the gaine to the labouring borrower. Replicat.o.

*Si isti omnes contractus separatim sint liciti, contractus ex iis compositus sit licitus. i.e.* If all these contracts be separately and singly lawfull, then one compounded of them is lawfull. D. Ames.

To these severally we have answered, with severall reasons and allegations : And therefore I wonder the worthy Doctor would once speake such a word [*ut omnes concedunt.*] Therefore of these *lucra*, single or mixt, we conclude with the old verse, Replicatio.

*Et quæ non prosint singula, mixta mala.*

Or with this,

*Singula si noceant, eadem quoque juncta nocebunt.*

*D. Ames.* *Questio quarta est, quam observanda sunt ad peccatum vitandum in pecuniâ exponenda? i.e.* The fourth question is, what rules are to be observed, whereby to avoid sinne in putting out money?

*Replicatio.* It should seeme there is a common fault and sinne in putting out of money, by the Doctors confession.

*D. Ames.* But he thinks it avoidable by these cautions:  
 1 *Ne quid ultra sortem exigatur ab egenis.* 2 *Ne lucri aviditas impediât feneratorum quo minus pauperes simpliciter donando juvet.* 3 *Non totum illud exigere, quod legibus & usu recepto licet.* i.e. 1 That nothing above the principle be exacted of the poore. 2 That greedinesse of gaine hinder not the Usurer from lending to the poore. 3 That he exact not all that law and custome tolerates.

*Replicatio.* 1 Let the Usurers conscience, and *vox populi* witnesse, whether these cautions be observed. 2 If these be observed; yet God witnesseth against the Usurer. *Non vitatur peccatum in pecunia exponenda*, as I have already cleared it out of Gods Word, canvased & argued with the allegations & reasons of godly & learned authors. 3 To make the question, *An Usura sit licita*; and to put downe, dictate and suggest cautions, without proofe,

proofe, as fufficient to take away the nature of Vsfury, is *petitio principii*, a begging of the question.

*Speſtanda ſemper, & obſervanda regula æquitàtis, D. Ames.*  
 & charitatis; ut illud tantum accipiatur, quod quiſque bona fide vellet à ſe accipi in ſimili neceſſitate deprehenſo. i.e. Alwayes the rule of equity and charity is to be obſerved. viz. That ſo much only be taken, which every one in very deed, would have to be taken of him, were he in the ſame condition.

We have already ſhewed, that in committing this ſinne of Vsfury more or leſſe, there can be no equity or charity found: For if there could, the question were yeelded, Vsfury were not ſinne.  
 2 For doing as one would be done by, i.e. ſay the Schoolmen, *ſecundum reſtimationem*. Saul would have his armour-bearer run him thorow; therefore might Saul runne his armour-bearer thorow? The lender upon Vsfury thinks it no ſinne ſo to lend; therefore if he were in the borrowers caſe, he would not doubt but lawfully ſo to borrow. But if the Vſurer and the Borrower were well informed, *ſecundum reſtam rationem*, they would know (as very learned men hold) it is unlawfull to borrow or lend upon Vſe, and ſo would neither doe, nor be done to upon Vsfury.

*Replicatio.*

The Caution. *Offenſiones & calumnie (quibus obnoxium eſt hoc genus contrarium. Jer. 15. 10.) declinari ſemper debent, quantum fieri poteſt. i.e. The*  
 H laſt

*D. Ames.*

last Caution is, that offences and calumnies (to which this kinde of contract is liable. *Ier. 15. 10.*) ought to be avoided as much as may be.

*Replicatio.*

This dasheth neere all the Doctor hath laid down before in favour of Vsury. 1 He confesseth Vsury to be a thing of evill report, out of *Ier. 15. 10.* 2 That offences must be avoided, &c. we inferre therefore Vsury must be left. 1 By the rule of this ; *Woe unto the world because of offences. Better a millstone, &c.* But so doe Vsurers offend many of their clients, to cursing. So doe they offend their Minister, to heart-breaking sorrow, especially at times of Communion. 2 By the Apostles rule, *Philip. 4. whatsoever is of good report, &c. If there be any praise, thinke of these things.*

*Object.*

Thus farre of Doctor *Ames* urged at our Conference. There was another authour named, (*sed excidit memoria*) whereby to countenance Vsury, as if the urging of mens authority without their reasons, were of any validity.

*Sol.*

1 We could fill a sheet of learned mens names, that hold against Vsury, if that were a confutation. I wish from my heart, that those that are affected with the multitude of authours to sway their Tenent, would read the English Vsurer, where they shall meet with a multitude of learned authors condemning Vsury, and their sound reasons too ; viz. 6 learned pious Bishops ; 10 learned pious Doctors ; 22 learned pious Divines ; with an addition of the witty reasons of three famous English

English Poets. 2 If we run upon mens authorities, we shall be robbed of all the Commandements, or the maine branches of them. The learned Atheist will take away the first Commandement. The Papist the second. The Anabaptist the third. The Jew the fourth. The Popes dispensations the fifth, sixth, & seventh. The Vsurer the eighth. The equivocating Jesuite the ninth. The Papist the tenth, that Concupiscence is no sinne. 3 The Canonists and Canon Law have this remarkable decree; *SI QUIS AFFIRMARE PRAESUMAT, EXERCERE USURAS NON ESSE PECCATUM, &c.* If any presume to affirme that it is no sinne to practise Vsury, we decree him worthy to be punished as an Hereticke. Finally, we have not onely learned pious mens arguments in abundance to prove Vsury unlawfull, but that it is so unlawfull, as that restitution must be made; Vsurers being bound to it by the Law of God. See *Capel of Temptations*; That it is utterly unlawfull to borrow upon Vse. So the learned Jewes and Rabbiners. See *Ainsworth on Exod. 22. 25.* They prove it out of *Deut. 23. 19.* *Thou shalt not cause to bite; Thou shalt not cause to lend upon biting Vsury.* By traditon we have beene taught, that this is an admonition to the borrower. Three times more in the said place they say it is unlawfull to borrow upon Vse. I adde, If Vsury be simply a sinne, as the learned prove, and you have heard them alleaged: Then how can a man be accessory to it, and not be guilty?

I have seene in  
Cardinall Br.  
ronius his Tal-  
mud the second  
Com. blotted  
out with his  
own pen, And  
left out in  
Rom. Catech.  
Concil. Vien-  
nens. Concil.  
Tarconens.  
c. 3. Concil. La-  
teranens. par.  
16. c. 1. See also  
Willet on Ex-  
od. 22. qu. 46.

Finally,

Object.

Finally, at our Conference (as I remember) there was urging of necessity in some cases, to take and give upon Vfe; and it is common to men to make thousands of cases.

Sol.

But if God (on paine of excluding heaven) forbids Vsfury, *Psal. 15. Ezech. 18.* sure no case can make it necessary. Capel to this alleageth *Tullie*, That no necessity can licence a man to take that which is not ones owne. And *Erasmus*, that there in case of necessity, is still sin. Nor may we, nor can we upon any pretence conceive, that God will so prevent mans good, that he will make it condemnation to doe that, which our Cases (we make) say we must needs doe.

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FIXIS.

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